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Court Reporting and
Litigation Services

Joshua Wilson

June 7, 2023

Patrick Romano, et al.

vs.

Torch Electronics, LLC, et al.

<p>1 BY MR. GELFAND:</p> <p>2 Q You list a number of gas stations.</p> <p>3 Starting in paragraph 3, going all the way</p> <p>4 to paragraph 6.</p> <p>5 A Yes.</p> <p>6 Q Is it fair to say that none of these</p> <p>7 locations is Mally?</p> <p>8 A Yes.</p> <p>9 Q In connection with this document you say</p> <p>10 that you want to be considered a class representative</p> <p>11 in this federal lawsuit; is that correct?</p> <p>12 A Yes.</p> <p>13 Q How did you first get involved in this</p> <p>14 lawsuit?</p> <p>15 A Well, I was talking with my family attorney</p> <p>16 and -- talking business and asking him how his</p> <p>17 business was. We got to talking about machines, and</p> <p>18 I was like, yeah, I play.</p> <p>19 Q So to be clear, and I'm not asking you</p> <p>20 about any privileged conversations you've had with</p> <p>21 your counsel, but did you approach your family</p> <p>22 attorney with the idea that you wanted to sue Torch</p> <p>23 Electronics, Mr. Miltenberger, Warren Oil Company,</p> <p>24 Mohammed Almuttan, Mally, Inc., and Rami Almuttan?</p> <p>25 A Did I approach him with the idea of wanting</p> <p style="text-align: right;">38</p>	<p>1 day, obviously that was a voluntary decision that you</p> <p>2 made that may differ from decisions other people</p> <p>3 made; correct?</p> <p>4 A I don't know if it was voluntary.</p> <p>5 Q Who forced you to play a Torch machine?</p> <p>6 A I got more into, I guess more into an</p> <p>7 addiction, you could say.</p> <p>8 Q Have you ever sought help for a gambling</p> <p>9 addiction?</p> <p>10 A No.</p> <p>11 Q Have you ever sought any treatment or gone</p> <p>12 to a gambling addiction provider?</p> <p>13 A No.</p> <p>14 Q Have you ever put yourself on a list that</p> <p>15 Missouri has for people who are concerned they may</p> <p>16 have gambling addictions and want to be prohibited</p> <p>17 from casinos?</p> <p>18 A No.</p> <p>19 Q Do you gamble at other establishments?</p> <p>20 Casinos? Racetracks? Online betting?</p> <p>21 A A bit.</p> <p>22 Q How frequently?</p> <p>23 A Maybe at the casino once or twice a year.</p> <p>24 Q How about the racetracks?</p> <p>25 A No.</p> <p style="text-align: right;">40</p>
<p>1 to sue?</p> <p>2 Q Yes. Was that your idea?</p> <p>3 A No.</p> <p>4 Q Whose idea was it?</p> <p>5 A Well, like I said, I was talking with my</p> <p>6 attorney. He referred me over to Mr. Miller here.</p> <p>7 Q So, in other words, without getting into</p> <p>8 privileged communications, it was your attorney's</p> <p>9 idea to file a lawsuit?</p> <p>10 MR. MILLER: He said he was referred to</p> <p>11 another attorney.</p> <p>12 BY MR. GELFAND:</p> <p>13 Q But you did admit that it wasn't your idea</p> <p>14 to file a lawsuit; correct?</p> <p>15 A Correct.</p> <p>16 Q Now, you testified a few, 45 minutes ago</p> <p>17 about the reasons that you played the Torch devices</p> <p>18 over the last two years; correct?</p> <p>19 A Yes.</p> <p>20 Q Would you agree with me that the reasons</p> <p>21 you played differ from the reasons that some other</p> <p>22 people play?</p> <p>23 A Yes.</p> <p>24 Q And, in fact, the amount of money, for</p> <p>25 example, that you've put into the device on any given</p> <p style="text-align: right;">39</p>	<p>1 Q Never?</p> <p>2 A Uh-uh.</p> <p>3 Q Have you ever engaged in any illegal</p> <p>4 gambling with bookies or anything like that?</p> <p>5 A No.</p> <p>6 Q So are you saying that playing the Torch</p> <p>7 device every time you played it was not voluntary?</p> <p>8 A Well, like I said, it became more of a</p> <p>9 addiction.</p> <p>10 Q Let's be clear for a second. No one put a</p> <p>11 gun to your head; correct?</p> <p>12 A No.</p> <p>13 Q No one forced you to play; correct?</p> <p>14 A No.</p> <p>15 Q No one threatened that something bad would</p> <p>16 happen to you or your family or your friends if you</p> <p>17 played, correct, or if you didn't play; correct?</p> <p>18 A No.</p> <p>19 Q So you're not really disputing that it</p> <p>20 wasn't voluntary. You're just saying that you</p> <p>21 believe that you had an addiction; correct?</p> <p>22 A Yes.</p> <p>23 Q When you decided to file this lawsuit as a</p> <p>24 possible class representative, do you know any of the</p> <p>25 other plaintiffs named on this lawsuit?</p> <p style="text-align: right;">41</p>

<p>1 A Yes.</p> <p>2 Q Do you know Patrick Romano?</p> <p>3 A No.</p> <p>4 Q Do you know Krystal Christensen?</p> <p>5 A Yes.</p> <p>6 Q How do you know Krystal Christensen?</p> <p>7 A She's my girlfriend.</p> <p>8 Q How long have you and Krystal Christensen</p> <p>9 been dating?</p> <p>10 A Two, two and a half years.</p> <p>11 Q So were you and Ms. Christensen dating</p> <p>12 throughout the entire time that you claim you played</p> <p>13 Torch devices?</p> <p>14 A Yes.</p> <p>15 Q What does Ms. Christensen do for a living?</p> <p>16 A She's a assistant manager at a gas station.</p> <p>17 MR. CRAIG: I'm sorry. What was that?</p> <p>18 THE WITNESS: She's an assistant manager at</p> <p>19 a Circle K gas station.</p> <p>20 BY MR. GELFAND:</p> <p>21 Q Did you ask her if she wanted to be</p> <p>22 involved in this lawsuit?</p> <p>23 A Yes.</p> <p>24 Q When?</p> <p>25 A Well, it was shortly after I got -- talked</p> <p style="text-align: right;">42</p>	<p>1 Q Do you know Monica McGee?</p> <p>2 A No.</p> <p>3 Q Do you know Mary Bolden?</p> <p>4 A No.</p> <p>5 Q What are you hoping to get out of this</p> <p>6 lawsuit?</p> <p>7 A What am I hoping to get out of it?</p> <p>8 Q Yeah.</p> <p>9 A Get these machines out of the easily</p> <p>10 reached public.</p> <p>11 Q Were you promised any money?</p> <p>12 A No.</p> <p>13 Q Are you hoping to make any money?</p> <p>14 A Honestly, I don't care.</p> <p>15 (Court Reporter interruption.)</p> <p>16 THE WITNESS: I said honestly I didn't care</p> <p>17 if I make any money off of it.</p> <p>18 BY MR. CRAIG:</p> <p>19 Q During the time period that you played</p> <p>20 Torch devices did you timely file federal and state</p> <p>21 tax returns?</p> <p>22 A As far as like just your regular W-2?</p> <p>23 Q Your tax returns, your federal 1040 U.S.</p> <p>24 individual income tax return.</p> <p>25 A No. Last year I was late in filing my tax</p> <p style="text-align: right;">44</p>
<p>1 with Mr. Miller here.</p> <p>2 Q Approximately when would that have been?</p> <p>3 A The exact day -- I don't remember the exact</p> <p>4 day.</p> <p>5 Q Within the past year?</p> <p>6 A Yes.</p> <p>7 Q Within the past six months?</p> <p>8 A Yes.</p> <p>9 Q So beginning of 2023 at some point?</p> <p>10 A I was going to say, how far are we into</p> <p>11 2023?</p> <p>12 Q June 7th.</p> <p>13 A Yes.</p> <p>14 Q Did you play Torch devices together with</p> <p>15 Ms. Christensen?</p> <p>16 A No.</p> <p>17 Q Ever?</p> <p>18 A No.</p> <p>19 Q Meaning, your answer is no, you've never</p> <p>20 played Torch devices with Ms. Christensen?</p> <p>21 A Yes, yes, we never played together.</p> <p>22 Q Do you know Jeffrey Cordaro?</p> <p>23 A No.</p> <p>24 Q Do you know Carmen Weaver?</p> <p>25 A No.</p> <p style="text-align: right;">43</p>	<p>1 returns.</p> <p>2 Q Have you filed your tax return for tax year</p> <p>3 2021?</p> <p>4 A Not yet.</p> <p>5 Q Have you ever claimed gambling income on</p> <p>6 tax returns?</p> <p>7 A Gambling income?</p> <p>8 Q Yes.</p> <p>9 A No.</p> <p>10 Q Have you ever claimed gambling losses on</p> <p>11 tax returns?</p> <p>12 A No.</p> <p>13 Q Have you ever claimed a dime of losses that</p> <p>14 you claim you've lost from using Torch devices on any</p> <p>15 tax return?</p> <p>16 A No.</p> <p>17 Q Did you have to fill out financial</p> <p>18 disclosures in connection with your family law</p> <p>19 matter, divorce?</p> <p>20 A Can you repeat that?</p> <p>21 Q Did you have to fill out financial</p> <p>22 disclosures in connection with your family law</p> <p>23 matter?</p> <p>24 A I think I did. I think they had me fill</p> <p>25 some out.</p> <p style="text-align: right;">45</p>

<p>1 A Jefferson County.</p> <p>2 Q And what's your wife's full name?</p> <p>3 A It is Melissa Wilson.</p> <p>4 Q What's her maiden name?</p> <p>5 A Hanna.</p> <p>6 Q Does she go by her maiden name or does she</p> <p>7 still go by Wilson?</p> <p>8 A I don't know.</p> <p>9 Q And then you mentioned that there was</p> <p>10 currently an order of protection that was in force</p> <p>11 against you. Is that order, did it come from the</p> <p>12 same court out of the same divorce proceeding?</p> <p>13 A I believe so.</p> <p>14 Q So Jefferson County again?</p> <p>15 A Yes. I believe so, yes.</p> <p>16 Q And I take it it was your wife that made</p> <p>17 the request for the order of protection?</p> <p>18 A Yes.</p> <p>19 Q And I'm not asking you for the veracity or</p> <p>20 what you did in it or anything like that, but do you</p> <p>21 know what were the grounds that your wife stated for</p> <p>22 her reason for trying to get the order of protection?</p> <p>23 A No, I don't know the grounds of everything,</p> <p>24 no.</p> <p>25 Q And is the order of protection, it was</p> <p style="text-align: right;">90</p>	<p>1 other vendors might place a Torch label on their own</p> <p>2 machines for whatever reason?</p> <p>3 A No.</p> <p>4 Q Okay. You just saw a torch label and</p> <p>5 assumed it was a Torch machine?</p> <p>6 A Like I say, it has a logo on there.</p> <p>7 Q And did you read any -- did you ever</p> <p>8 notice, on any Torch machine that you have played,</p> <p>9 any sort of writing or documentation on the machine</p> <p>10 other than on the screen, the electronic screen</p> <p>11 itself with like writing in print?</p> <p>12 A I'm sorry. Can you ask that again?</p> <p>13 Q Yeah. So I'm not talking about the screen</p> <p>14 itself that would display the game, but on the</p> <p>15 machine itself, you said you saw a Torch label. Did</p> <p>16 you see any other sort of labeling or writing that</p> <p>17 was on the Torch devices that you've played?</p> <p>18 A The main one was the Torch logo that I</p> <p>19 always seen.</p> <p>20 Q So no instructions or game play details?</p> <p>21 Nothing like that?</p> <p>22 A I don't know. No.</p> <p>23 Q Not that you can recall?</p> <p>24 A (Shaking head.)</p> <p>25 Q Is that a yes?</p> <p style="text-align: right;">92</p>
<p>1 entered, so it is in force against you currently?</p> <p>2 A I'm not sure of all the technicality on it</p> <p>3 because, like I said, everything's still, still being</p> <p>4 hashed out.</p> <p>5 Q Well, I mean, as far as you're aware, are</p> <p>6 you still supposed to adhere to an order of</p> <p>7 protection today?</p> <p>8 A As far as the still supposed to be today, I</p> <p>9 have no idea. I just know that we decided just to go</p> <p>10 our separate ways and not want to see each other</p> <p>11 anymore.</p> <p>12 Q The Torch devices that you allege you</p> <p>13 played, how do you know that they were in fact Torch</p> <p>14 devices?</p> <p>15 A They have the Torch emblem on the front of</p> <p>16 the machine.</p> <p>17 Q Are you aware that there are other vendors</p> <p>18 that make similar machines and place them in</p> <p>19 locations in the State of Missouri?</p> <p>20 A That other vendors make other machines,</p> <p>21 yes.</p> <p>22 Q That function in a similar manner. I'm not</p> <p>23 saying identical, but.</p> <p>24 A Yes.</p> <p>25 Q Are you aware of any occasions when those</p> <p style="text-align: right;">91</p>	<p>1 A Yeah, I don't know.</p> <p>2 Q Well, as you sit here today, you can't</p> <p>3 recall seeing those things. Is that your testimony?</p> <p>4 A Yes.</p> <p>5 Q Why is it that you've chosen to sue just</p> <p>6 Torch Electronics as a vendor when, as you say, you</p> <p>7 understand that there are other vendors that place</p> <p>8 similar machines throughout the State of Missouri?</p> <p>9 A Because they were the ones I would play.</p> <p>10 Q So you never played any other machine</p> <p>11 except Torch machines? Is that what your testimony</p> <p>12 is?</p> <p>13 A As far as the ones in the gas stations and,</p> <p>14 yes.</p> <p>15 Q Have you seen any news articles or any news</p> <p>16 stories even recently about sports betting in the</p> <p>17 State of Missouri?</p> <p>18 A No.</p> <p>19 Q Have you ever followed any news that</p> <p>20 relates to the Missouri legislature potentially</p> <p>21 regulating video lottery terminals or Torch devices?</p> <p>22 A No.</p> <p>23 Q If I told you that legislation had come up</p> <p>24 and been proposed a number of times now at the</p> <p>25 Missouri legislature to regulate Torch devices and</p> <p style="text-align: right;">93</p>

<p>1 correct me if I'm wrong, that you've never interacted</p> <p>2 in any way, shape, or form with Mohammed Almuttan or</p> <p>3 Rami Almuttan; correct?</p> <p>4 A Correct.</p> <p>5 Q So it's fair to say that, sitting here</p> <p>6 today, you're not claiming to be injured by those</p> <p>7 four people, even if you are claiming to be injured</p> <p>8 by Torch Electronics and/or Steven Miltenberger;</p> <p>9 correct?</p> <p>10 A Correct.</p> <p>11 MR. GELFAND: Thank you. I have no further</p> <p>12 questions at this time.</p> <p>13 MR. MILLER: We will read.</p> <p>14 MR. CRAIG: He'll read and sign?</p> <p>15 MR. MILLER: Yeah.</p> <p>16 MR. CRAIG: Okay.</p> <p>17 THE VIDEOGRAPHER: All right. That</p> <p>18 concludes today's deposition. We are off the</p> <p>19 record.</p> <p>20 MR. CRAIG: Madam Court Reporter, we would</p> <p>21 take an electronic transcript, full and mini,</p> <p>22 please.</p> <p>23 MR. GELFAND: And I can go ahead and just</p> <p>24 email you our request. Thank you.</p> <p>25 MR. MILLER: Same thing. I'll email.</p> <p>114</p>	<p>1 CERTIFICATE</p> <p>2</p> <p>3 I, Tina Givens, Registered Professional</p> <p>4 Reporter, DO HEREBY CERTIFY that, prior to the</p> <p>5 commencement of the examination, JOSHUA WILSON was duly</p> <p>6 remotely sworn by me to testify to the truth, the whole</p> <p>7 truth and nothing but the truth.</p> <p>8 I DO FURTHER CERTIFY that the foregoing is a</p> <p>9 verbatim transcript of the testimony as taken</p> <p>10 stenographically by me at the time, place, and on the</p> <p>11 date set forth, to the best of my ability.</p> <p>12 I DO FURTHER CERTIFY that I am neither a</p> <p>13 relative nor employee nor attorney nor counsel of any of</p> <p>14 the parties to this action, and that I am neither a</p> <p>15 relative nor employee of such attorney or counsel, and</p> <p>16 that I am not financially interested in the action.</p> <p>17</p> <p>18</p> <p>19 "/s/TINA M. GIVENS"</p> <p>20 NCRA Registered Professional Reporter</p> <p>21 Missouri Certified Court Reporter #481</p> <p>22 Illinois Shorthand Reporter No. 084.004731</p> <p>23</p> <p>24 Dated: June 15, 2023</p> <p>25</p> <p>116</p>
<p>1 (Deposition concluded at 2:30 p.m.)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>115</p>	<p>1 INSTRUCTIONS TO WITNESS</p> <p>2</p> <p>3 Please read your deposition over carefully</p> <p>4 and make any necessary corrections. You should state</p> <p>5 the reason in the appropriate space on the errata sheet</p> <p>6 for any corrections that are made.</p> <p>7 After doing so, please sign the errata sheet</p> <p>8 and date it. You are signing same subject to the changes</p> <p>9 you have noted on the errata sheet, which will be</p> <p>10 attached to your deposition.</p> <p>11 It is imperative that you return the original</p> <p>12 errata sheet to the deposing attorney within thirty (30)</p> <p>13 days of receipt of the deposition transcript by you.</p> <p>14 If you fail to do so, the deposition</p> <p>15 transcript may be deemed to be accurate and may be used</p> <p>16 in court.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>117</p>